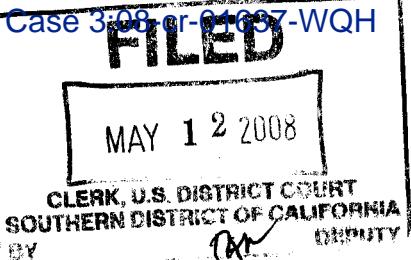


AUSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Benjamin OCHOA-Ramirez,

Defendant.

Magistrate Case No.: **'08 MJ 84 06**

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about May 11, 2008, within the Southern District of California, defendant Benjamin OCHOA-Ramirez, did knowingly and intentionally import approximately 50.58 kilograms (111.28 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Mat Kelley

MATHEW KELLEY
Special Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12TH DAY
OF MAY 2008.

Peter C. Lewis
PETER C. LEWIS
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 OCHOA-Ramirez, Benjamin

4 STATEMENT OF FACTS

5 This complaint is based on the personal observations, investigation and
6 information provided to Immigration & Customs Enforcement Special Agent Mathew
7 Kelley.

8 On May 11, 2008, at approximately 0839 hours, Benjamin OCHOA-Ramirez
9 entered the United States at the Calexico, California, West Port of Entry. OCHOA was
10 the driver and sole occupant of a 1999 Ford Windstar.

11 OCHOA gave a negative customs declaration to primary Customs and Border
12 Protection (CBP) Officer Gerhart. OCHOA appeared to CBP Officer Gerhart to be
13 nervous due to his hand shaking when he handed him his border crossing card.
14 OCHOA was also avoiding eye contact during the encounter. CBP Officer Gerhart
15 noticed there was only one key present on the ignition key ring and only the vehicle
16 registration was in the glove box. OCHOA stated the vehicle belonged to a friend. CBP
17 Officer Gerhart referred OCHOA and the vehicle to the Vehicle Secondary Office.

18 During secondary inspection the vehicle was screened by a Canine Enforcement
19 Officer and a Narcotics Detection Dog (NDD). The NDD alerted to the presence of the
20 odor of drugs in the vehicle.

21 Secondary CBP Officer Parker received a negative Customs declaration from
22 OCHOA. OCHOA informed CBP Officer Parker he was on his way to the Santo
23 Thomas Swap Meet in Calexico and the vehicle belonged to a friend. CBP Officer
24 Parker stated OCHOA appeared to be nervous during the encounter.

25 During an intense inspection of the vehicle a total of fifty (50) packages was
26 discovered concealed in the spare tire, dash board, passenger side front door, rear
27 hatch back door and the rear side walls of the vehicle. One of the packages was
28 probed by CBP Officer Parker, producing a green leafy substance, which field-tested
29

1 positive for marijuana. The 60 packages of marijuana had a combined net weight of
2 approximately 50.58 kilograms (111.28 pounds).

3 OCHOA was placed under arrest and advised of his Miranda Rights, which he
4 acknowledged and waived, agreeing to answer questions without an attorney present.
5 OCHOA stated he was paid 200 pesos to drive the van to the Santo Thomas Swap
6 meet, pick up an individual and return him to Mexico. OCHOA stated he has crossed
7 into the United States in the van on two prior occasions. OCHOA denied knowledge of
8 the marijuana contained in the vehicle.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29